

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESSO EXPLORATION AND PRODUCTION NIGERIA
LIMITED and SHELL NIGERIA EXPLORATION AND
PRODUCTION COMPANY LIMITED,

Petitioners,

– against –

NIGERIAN NATIONAL PETROLEUM CORPORATION,

Respondent.

14

CV
Case No.

8445

DECLARATION OF
ELIZABETH SNODGRASS

JUDGE PAULEY

ELIZABETH SNODGRASS, under penalty of perjury under the laws of the United States of America, makes this declaration pursuant to 28 U.S.C. § 1746:

1. I am Counsel with the law firm Freshfields Bruckhaus Deringer LLP and a member of the District of Columbia Bar.
2. I respectfully submit this declaration in support of (a) the petition of Petitioners Esso Exploration and Production Nigeria Limited (“EEPNL”) and Shell Nigeria Exploration and Production Company Limited (“SNEPCO”) to confirm, recognize and enforce pursuant to 9 U.S.C. § 207 the foreign arbitral award rendered in the matter of *Esso Exploration and Production Nigeria Limited and Shell Nigeria Exploration and Production Company Limited v. Nigerian National Petroleum Corporation* (“the Award”) and (b) Petitioners’ motion to stay their petition to confirm the Award pursuant to 9 U.S.C. § 12 and 9 U.S.C. §§ 201–208.
3. I acted as counsel for Petitioners EEPNL and SNEPCO in the arbitration of their claims against Respondent Nigerian National Petroleum Corporation (“NNPC”) and am therefore familiar with the proceedings culminating in the Award that Petitioners now move this

Court to confirm, recognize and enforce. These proceedings were conducted in Abuja, Nigeria under the arbitration rules of the Nigerian Arbitration and Conciliation Act.

4. Attached hereto as Exhibit A is a true and correct copy of the Award, dated October 24, 2011, and transmitted to the parties on November 1, 2011.

5. Attached hereto as Exhibit B is a true and correct copy of the Production Sharing Contract (“PSC”) dated May 21, 1993, between NNPC and EEPNL. Several assignments of EEPNL’s interest under the PSC have resulted in EEPNL holding 56.25% of the Contractor’s interest under the PSC and SNEPCO holding the remaining 43.75% interest.

6. Petitioners EEPNL and SNEPCO applied to the Nigerian court of first instance to enforce the Award on November 3, 2011. Attached hereto as Exhibit C is a true and correct copy of the Originating Summons to Enforce filed with the Nigerian court.

7. Six days later, NNPC cross-applied before the Nigerian court to have the Award set aside. Attached hereto as Exhibit D is a true and correct copy of the Originating Motion to Set Aside Arbitration Award filed by NNPC. NNPC’s application succeeded at first instance. Attached hereto as Exhibit E is a true and correct copy of the Ruling on the Originating Motion to Set Aside Arbitration Award. Petitioners EEPNL and SNEPCO have appealed the decision of the Nigerian first instance court to the Nigerian Court of Appeal and believe that their appeal is meritorious. Attached hereto as Exhibit F is a true and correct copy of Petitioners’ Notice of Appeal. The case remains pending before the Nigerian Court of Appeal. It is not possible to predict when that Court of Appeal will decide on Petitioners’ appeal.

8. The value of the Award as of September 30, 2014, including post-judgment interest, is at least US\$2,306,593,757.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: London, England
October 21, 2014



Elizabeth Snodgrass